

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 11-20706

MARTIN TUCKER,

Defendant.

ORDER DIRECTING RESPONSE

On November 19, 2013, after being found guilty of aiding and abetting bank robbery, 18 U.S.C. § 2113(a), and using, carrying and brandishing of a firearm during and in relation to a crime of violence, 18 U.S.C. § 924(c)(1), Defendant was sentenced to 63 and 84 months' imprisonment, to be served consecutively. (Dkt. # 97, Pg. ID 1578.) On November 23, 2013, Defendant filed a notice of appeal. (Dkt. # 98, Pg. ID 1586.)

On February 28, 2014, Defendant filed a Motion for Post-Conviction DNA Testing pursuant to 18 U.S.C. § 3600. (Dkt. # 111.) The court denied the motion, due to the pendency of Defendant's appeal challenging his conviction on several grounds. (Dkt. # 114.) The Court of Appeals for the Sixth Circuit affirmed the conviction and sentence on October 22, 2014. *United States v. Scherer*, 770 F.3d 407 (6th Cir. 2014). Defendant filed a petition for a writ of certiorari with the Supreme Court on November 20, 2014. Defendant also renewed his Motion for Post-Conviction DNA Testing on December 9, 2014. (Dkt. # 121.) The Supreme Court denied the petition for a writ of certiorari on

January 12, 2015. Accordingly, the court now has jurisdiction to consider Defendant's motion.

IT IS ORDERED that the Government shall file a response to Defendant's Motion for Post-Conviction DNA Testing (Dkt. # 121) by **Monday, May 4, 2015**.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: April 6, 2015

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, April 6, 2015, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522